



ROBINSON
GRAY

Litigation + Business

SAMUEL J. WELLBORN

DIRECT 803 231.7829 DIRECT FAX 803 231.7878

swellborn@robinsongray.com

September 3, 2019

VIA ELECTRONIC FILING AND
HAND DELIVERY FOR CONFIDENTIAL VERSION

The Honorable Jocelyn Boyd
Chief Clerk/Administrator
Public Service Commission of South Carolina
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210

Re: Renewable Power Purchase Agreement between Duke Energy
Carolinas, LLC and Northbrook Carolina Hydro II, LLC
Docket No. 2019-__-E

Dear Ms. Boyd:

Pursuant to Public Service Commission of South Carolina (the "Commission") Order No. 81-214, Duke Energy Carolinas, LLC ("DEC," or the "Company"), hereby submits the enclosed Renewable Power Purchase Agreement ("RPPA") between the Company and Northbrook Carolina Hydro II, LLC for acceptance by the Commission. Although the RPPA was executed on August 27, 2018, the RPPA did not close until August 16, 2019.

Due to the commercial sensitivity and proprietary nature of the Agreement, DEC respectfully requests that the Commission find that pursuant to S.C. Code Ann. Regs. 103-804(S)(2) and S.C. Code Ann. § 30-4-40(a)(1) certain provisions of the RPPA are exempt from disclosure under the Freedom of Information Act, S.C. Code Ann. §§ 30-4-10 *et seq.*

The information contained in the RPPA for which DEC seeks protection derives economic value from not being generally known to, and not being readily ascertainable by proper means by other persons who would be able to obtain economic value from its disclosure. Disclosure of this information would reveal confidential pricing and conditions, as well as delivery parameters, all of which are proprietary and specific to this counter-party. Revealing this information may be used by future counter-parties to attempt to set a floor for future transactions, which could jeopardize DEC's ability to negotiate such terms and conditions in a manner that results in the most beneficial contract for its retail customers. In recognition of the confidentiality of the information, the parties to the RPPA agreed



ROBINSON
GRAY

Litigation + Business

September 3, 2019
Page: 2

to confidentiality provisions which prevent either party from disclosing any term of the RPPA to any third party without the prior written consent of the other party.

Moreover, protection of this information is consistent with the Commission's Order protecting similar information in other power purchase agreements in Order No. 2018-162 issued on March 7, 2018, in Docket Nos. 2016-41-E and 2016-42-E (finding that such information should be protected because "[t]he material is competitively sensitive and could prevent the Company from negotiating contracts which are more favorable to the Company, and as a result, more favorable to ratepayers.").

Accordingly, the Company respectfully requests that it be permitted to file the confidential version of the RPPA under seal and maintained as confidential pursuant to Order No. 2005-226, "Order Requiring Designation of Confidential Materials." Enclosed with this letter is a redacted version of the RPPA that protects from disclosure the commercially sensitive and proprietary information, while making available for public viewing non-protected information. Additionally, we are hand delivering to the Commission and Office of Regulatory Staff copies of the confidential version of the Agreement.

Thank you for your attention to this matter and please let me know if you have any questions.

Kind regards,

Sam Wellborn

SJW:tch

Enclosures

c w/enc: Jeffrey M. Nelson, Chief Legal Officer, ORS (via email)
Rebecca J. Dulin, Associate General Counsel (via email)